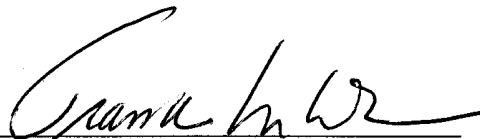


instant action to proceed. Defendants request the Court to dismiss with prejudice the above-captioned cause. On April 9, 2009, the Western District Bankruptcy Court entered its "Order of Dismissal" [B.C. Rec. No. 47], dismissing the adversary action No. 08-3028-LEK.

There being no live controversy pending in the above-captioned cause, the Court accordingly **GRANTS** Defendants' Motion to Dismiss [Rec. No. 4]. The above-captioned cause is **DISMISSED WITH PREJUDICE**, with the parties to bear their own costs. All other pending motions in this matter, if any, are **DENIED** as **MOOT**. The Clerk of the Court is instructed to **CLOSE** this case.

SO ORDERED.

SIGNED this 30 day of **April, 2009**.



FRANK MONTALVO
UNITED STATES DISTRICT JUDGE